

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOEL CARILLO,
Petitioner,

v.

VINCENT MOONEY,
Superintendent SCI Coal Township,
DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

CIVIL ACTION

NO. 14-4049

O R D E R

AND NOW, this 28th day of May, 2015, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by petitioner, Joel Carillo, the record in this case, and the Report and Recommendation of United States Magistrate Judge M. Faith Angell, dated April 23, 2015, no objections having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge M. Faith Angell, dated April 23, 2015, is **APPROVED** and **ADOPTED**;
2. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by petitioner, Joel Carillo, is **DISMISSED AS UNTIMELY FILED**; and,
3. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.